



Australian Government
Department of Education

Mr James Dickson

By email: foi+request-613-e0f28353@righttoknow.org.au

Dear Mr Dickson

I refer to your correspondence received by the Department of Education (the department) on 6 June 2014, in which you revised your request under the *Freedom of Information Act 1982* (the FOI Act) to the following documents:

Internal correspondence, ministerial briefing papers, policy documents, memos or file notes excluding documents prepared for Cabinet relating to any proposal to amend the payment thresholds and payment rates for the Higher Education Loan Program (HELP) between 1 December 2013 and 1 May 2014.

Your revised scope removes the practical refusal reason referred to in our correspondence dated 6 June 2014 and concludes the consultation period initiated in that notice.

Preliminary Assessment of the Charge

In accordance with section 29 of the FOI Act, I have decided that you are liable to pay a charge for the processing of your request. My preliminary assessment of that charge is \$545.00, calculated as follows:

Search and retrieval time: 15 hours, at \$15.00 per hour:	225.00
Decision-making time: 21 hours minus the first 5 hours* at \$20.00 per hour:	320.00
TOTAL	\$545.00

*The FOI Act provides that the first five hours of decision-making time are free of charge and this is reflected in the calculation.

I am advised that the department has in its possession approximately 30 documents containing an estimated 125 pages relevant to your request. I estimate that it will take 15 hours to locate and retrieve those documents (given the number of staff email sources involved as well as other sources), and an additional 21 hours to examine the documents and prepare a decision on access.

Required Action

If you would like the department to continue processing your request, you must notify the department in writing within 30 days of receiving this notice that you:

- A. agree to pay the charge (or the required deposit) and pay it;
- B. contend that the charge:
 - (i) has been wrongly assessed; or
 - (ii) should be reduced or not imposed; or
 - (iii) both; or
- C. withdraw the request for access.

If you do not provide a written response in accordance with one of Options A, B or C above within 30 days of receiving this notice, your request will be taken to have been withdrawn under subsection 29(2) of the FOI Act.

Alternatively, you may wish to refine the scope of your FOI request. If you would like to discuss this please contact me for assistance.

Further information on options A, B and C is set out below.

Option A – pay the charge

As the charge exceeds \$100, you are required to pay a deposit of \$136.00, which is 25% of the total amount, within 30 days of receiving this notice. You may, of course, elect to pay the charge in full at this point.

The amount due should be paid by cheque or money order made out to the Collector of Public Monies—Education.

Option B – seek reduction or non-imposition of the charge

You may contend that the charge has been wrongly assessed, or should be reduced or not imposed. Subsection 29(5) of the FOI Act provides that, in deciding whether to reduce or not to impose a charge, the decision-maker must take into account any relevant reasons, including whether payment of the charge, or part of it, would cause you financial hardship, and whether the giving of access to the documents is in the general public interest or in the interest of a substantial section of the public.

If you wish to contend that the charge has been wrongly assessed or should be reduced or not imposed, please set out your reasons and the evidence in support of your reasons as clearly as possible. If you believe that payment of the charge would cause you financial hardship, please provide sufficient details of your financial circumstances to enable the decision-maker to make a well-informed decision in this regard.

Option C – withdraw your request

If you wish to withdraw your request you may do so in writing.

Time limits for processing your request

Section 31 of the FOI Act provides that where a notice is sent to an applicant regarding the payment of a charge in respect of a request, the time limit for processing the request is suspended from the date the notice is received until either:

- the day following payment of the charge (in full or the required deposit); or
- if applicable, the day following the notification to the applicant of a decision not to impose the charge.

Publication of information in the FOI disclosure log

Information released under the FOI Act may be published in a disclosure log on the department's website. Section 11C of the FOI Act requires this publication, subject to certain exceptions, including where publication of personal, business, professional or commercial information would be unreasonable.

Address for correspondence

Please send all correspondence regarding your FOI request to me at the following address:

Child Care, Corporate and External Review Legal Branch
Legal and Compliance Group
Department of Education
LOC: C12MT1-LEGAL
GPO Box 9880
CANBERRA ACT 2601

or by email to foi@education.gov.au.

Please contact Alexandra Brown on 02 6240 2570 or me on 02 6121 5966 if you would like to discuss this matter.

Yours sincerely

A handwritten signature in black ink that reads "Kirsten Burns". The signature is written in a cursive style with a large initial 'K'.

Kirsten Burns
Senior Government Lawyer
Child Care, Corporate and External Review Legal Branch
Legal and Compliance Group

10 June 2014